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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,333	03/28/2001	Mark S. Paxton	P313599	5360

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EXAMINER
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MOONEYHAM, JANICE A

ART UNIT	PAPER NUMBER
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3629

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/821,333	<b>Applicant(s)</b> PAXTON ET AL.	
	<b>Examiner</b> Janice A. Mooneyham	<b>Art Unit</b> 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 and 7-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 7-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This is in response to the applicant's communication filed on June 3, 2005, wherein:

Claims 1 and 7-17 are currently pending;

Claims 2-6 have been cancelled;

Claims 1, and 7-12, and 14 have been amended;

Claims 15-17 have been added.

#### ***Response to Amendment***

##### ***Claim Objections***

2. Claims 10, and 13-16 are objected to because of the following informalities:

There appear to be several typographical errors. For example, claim 10 has the word "operated" spelled as "opperated". Claim 13 has "receivers to sending information" instead of "receivers to send information." Claim 14 states that "second processors are employed and used at a plurality attractions." This should probably read "at a plurality of attractions." In claim 15, the applicant has "writs strap" instead of "wrist straps." Claim 16 states the "the wrist strap is provides a display." Appropriate correction is required.

3. The applicant indicates that claim 8 is "currently amended" but does not show any amended claim language.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1 and 7-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant has amended claim 1 to read “a plurality of receivers *not having any active transmitting implementation.*” The applicant is respectfully requested to direct the Examiner to where the language “not having any active transmitting implementation” is disclosed in the specification.

5. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant states that the wrist strap is provided with a display portion to display advertising thereon. The specification talks about logos being imprinted on the strap for advertising but does not disclose a display portion.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. (Presented in the prior office action) Claim 1 recites the limitation "the first reader" in paragraph 4. There is insufficient antecedent basis for this limitation in the claim.

7. (Presented in the prior office action) Claim 1 recites the limitation "the second reader" in paragraph 5. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 1 recites the limitation "the antenna transmitter system" in paragraph 7. There is insufficient antecedent basis for this limitation in the claim.

9. Claim 9 recites the limitation "the computer". There is insufficient antecedent basis for this limitation in the claim.

10. Claims 1 and 7-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to read "a plurality of receivers not having any active transmitting implementation." In paragraph 4, the applicant claims that the first interrogator is adapted to receive signals from the receivers. In paragraph 5, the applicant claims a interrogator that is adapted to receive signals from the receivers. In paragraph 7, the applicant claims the receiver transmits its unique identification tag to the queue decrement system. First of all, it is unclear what the applicant means by the

Art Unit: 3629

language “not having any active transmitting implementation”. Secondly, the claim language appears to be contradictory. The receivers do not have any active transmitting implementation and yet they transmit.

11. Claims 1 and 7-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, paragraph 5, the applicant states that signals from the queue decrementing system are adapted to remove place holdings from the queue. It is unclear how a signal removes a place holding. Is it that the signal indicates to the queue decrementing system to remove the place holdings?

In claim 1, paragraph 7, the applicant states that the unique identification tag is transmitted to the central processor to query *the for a place-holding*. It appears that language has been left out of the claim.

In claim 1, the applicant states that “first and second interrogators are magnetic field of reader.” This is unclear.

In claim 1, the applicant claims “ a magnetic field used to read the unique identification tags of the receivers where the receivers passively receive signals from an antenna transmitter system and comprise circuitry.” It is unclear what the term comprises is referring to.

Art Unit: 3629

12. Claims 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 states that "the user inputs place holdings the central processor through a user interface." The language is unclear. Also, claim 7 appears to be a method step. The applicant may be trying to claim the interface as structure. This would be done by using language such as "the system as recited in claim 1, further comprising a user interface where the user inputs place holding....". Claims 8 and 9 depend on claim 7.

13. Claim 12-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 12, the applicant claims a transmitter system. This should be "the" or "said" transmitter system unless this is a separate system from the one defined in claim 1. Claims 13 and 14 read on claim 12.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 7, and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena et al (US 6,748, 364) (hereinafter referred to as Waytena) in view of Laval et al (US 6,173,209) (hereinafter referred to as Laval).

Referring to Claim 1:

Waytena discloses a system to substantially remove lines for an attraction where a number of patrons desire to attend the attraction, the system comprising:

a transmitter system having a transmitter device adapted to transmit signals (Figure 1A (112), col. 3, lines 8-12 *include both transmitter and receiver components for communication*);

a central processor comprising a queue and a processing system, where the processing system transmits signals to transmitter system for sending information therefrom, and the queue is adapted to hold place holdings which contain unique identification tags (Figure 1 Reservation System (100), Figures 1A-2 CPU (106, 120) Request processor (209); col. 3, lines 22-32 virtual queue, Figure 2 (210) virtual queue, col. 10, lines 19-23;; col. 5, lines 14-15; col. 7, lines 20-23 Guest number (227) number is unique to each member; col. 9, lines 45-51 Request ID unique identification number for request);

a plurality of receivers (Figures 1A and 1B (112, 124), each receiver having unique identification tags and the receivers adapted to receive the information from the transmitter system transmitted from the central processor (col. 3, lines 8-15 include both transmitter and receiver components; col. 6, lines 54-59 infrared receiver/transmitter, col. 7, lines 20-24; col. 9, lines 8-14 and lines 45-51; col. 10, lines 11-28; (Request ID



Art Unit: 3629

422 is a unique identification number for the request generated; col. 10, lines 33-37

PCD ID 421 a uniquely identifies the PCD that generated the request);

a queue setting system (Figure 2 (210), 212)) comprising a first interrogator adapted to receive signals from the receivers where a first reader uploads the unique identification tags of the receivers and the first reader is in communication with the central processor to transmit information thereto (col. 3, lines 16-32; col. 6, lines 13-21; col. 21, line 56-col. 22, line 19, col. 22, lines 39-50);

a queue decrementing system comprising a second interrogator that is adapted to receive signals from the receivers where the second interrogator is in communication with the central processor and signals from the queue decrementing system are adapted to remove place holdings from the queue where the place holdings comprise the unique identification tags from the respective receivers (Figure 2 (210, 212); col. 21, line 56 thru col. 22, line 9 *the arrival signal is received and sent to attraction computer 101, and the reservation for the particular patron is identified in the virtual queue 210 using the PCD-ID and REQUEST ID. The reservation is removed from the virtual queue*);

an entrance regulation system adapted to permit or deny entrance to the attraction for the patrons where the entrance regulation system is controlled by the queue decrementing system where when a place holding is removed from the queue, the entrance regulation system is adapted to allow access for the patron possessing the receiver having the unique identification of the place holding that was removed from the

Art Unit: 3629

queue (col. 21, line 57- thru col. 22, line 9 a sensor detects patron's arrival; col. 3, lines 51-57)

whereas, a patron indicates to the first interrogator of the queue setting system a request to have a place-holding in the queue (col. 3, lines 16-32 *user input from patron requesting a reservation for a particular attraction*), the central processor receives the request and creates a place-holding on the queue where the place holding comprises the unique identification tag (col. 3, lines 16-32 *the attraction computer processes the incoming reservation request to determine whether and when the reservation can be accommodated; a proposed reservation time is stored in a virtual queue*; col. 21, line 67 thru col. 23, line 3 *reservation is identified in the virtual queue 210 using the PCD-ID and REQUEST-ID*), as higher priority place holdings are removed from the queue, the lower-priority place-holdings advance in the queue (col. 22, lines 7-30), the receiver transmits its unique identification tag to the queue decrementing system where the second interrogator reads the unique identification tag and the unique identification tag is transmitted to the central processor to query the place holding having the same identification tag and if the returned place-holding is within a specified high priority range (col. 21 line 57 thru col. 22, line 9); the entrance regulation system allows the user to enter the event (col. 21, line 57 thru col. 22, line 9).

While Waytena discloses sensors to detect patron's arrival, Waytena does not disclose the first and second interrogators being a magnetic field used to read the unique identification tags of the receivers where the receivers passively receive signals

and circuitry uploads the information to the queue setting system as the receivers pass through the magnetic fields of the first and second interrogators.

However, Laval discloses the first and second interrogators being a magnetic field used to read the unique identification tags of the receivers where the receivers passively receive signals and circuitry uploads the information to the queue setting system as the receivers pass through the magnetic fields of the first and second interrogators (col. 6, lines 47-55 *when the assigned time or time range occurs, the customer is entitled to access the attraction without waiting in line. The customer accesses the second queue 26 and establishes entitlement to access the attraction via the second queue 26. the customer presents the issued pass at second validator 34 and if the pass is valid, the customer is admitted to the attraction;* col. 6, lines 26-32; col. 7, line 55 thru col. 8, line 2 *the first validator 32 establishes the right of a customer to a pass, the pass for use by the customer in gaining access to the attraction 22 via the second queue 26 at the future time, The first validator 32 may comprise a card-reader type device which is arranged to read a magnetic stripe on a ticket issued to the customer – this establishes a customers right to access the attraction 22;* col. 8, lines 17-28 *magnetic-strip encoded or “smart cards” or coded tokens;* col. 9, lines 11-16; see also col. 3, line 55 thru col. 4, line 22; col. 11, line 60-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the magnetic admission pass taught in Laval with the reservation queue system for amusement parks as disclosed in Waytena since a smart card is small and can easily be slipped in a secure pocket or pouch, such as a purse, and a

Art Unit: 3629

smart card can hold numerous reservations to different attractions while providing the necessary entitlement to access the attraction.

Referring to Claim 7:

Waytena discloses a user interface where the user inputs place holdings information (Figure 2 (210); col. 6, line 66 thru col. 7, line 3 user interface component).

Referring to Claim 9:

Waytena discloses the user interface is a display on a computer connected to the Internet for providing transmissions to the queue (col. 6, lines 37-59 RICOCHET wireless modem/Internet).

Referring to Claim 10:

Both Waytena and Laval disclose a system adapted to be operated in an amusement park (Laval col. 1, lines 6-8 method and apparatus for managing admission or entry to an attraction, such as a theme-park ride; Waytena col. 1, lines 13-35; col. 2, lines 51-54 allows patrons in an amusement park or other facility to schedule reservations in queues).

Referring to Claim 11:

Laval discloses the first and second interrogators operate on the same hardware platform (col. 4, lines 14-22 pass issued and access granted at a future time by second queue).

Referring to Claim 12:

Waytena discloses wherein the queue setting system and queue decrementing system are connected to a second processor and the transmitter system sends signals to the central processor to update the queue (col. 21, line 56 thru col. 22, line 29).

Referring to Claim 13:

Waytena discloses the transmitter system comprises spread spectrum transmitters and receivers to send information to the central processor (col. 6, line 37-59 infrared receiver/transmitter).

Referring to Claim 14:

Waytena discloses a plurality of second processors are employed and used at a plurality of attractions where the transmitter system of each second processor updates the central processor in real time to update the queue (col. 21 line 56 thru col. 22, line 29).

Referring to Claims 15-17:

Waytena discloses hand held, wireless personal communication devices (PCD) with screen displays for displaying text (col. 2, lines 63-67). Waytena does not disclose the devices being removably attached to a wrist strap, that the information is an advertisement, or that the patron can keep the strap after returning the device.

However, it would have been obvious to one of ordinary skill in the art at the time of the invention to allow the devices to be attached to a wrist strap for the convenience of carrying and monitoring the display of the device.

Art Unit: 3629

It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the text displayed to be advertisements so that concession stands can entice patrons to come to their establishment to get food or so that a new ride can provide notice to patrons of its existence.

It would have been obvious to one of ordinary skill in the art at the time of the invention to allow the patron to keep the wrist band after returning the device as a matter of customer service and a showing of appreciation to the patron for attending the park.

14. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena and Laval as applied to claim 1 above, and further in view of Sim (US 6,529, 786) (hereinafter referred to as Sim).

Referring to Claim 8:

Both Waytena and Laval discloses displays. However, neither Waytena nor Laval disclose that the user interface is a display at a kiosk.

However, Sim discloses that the user interface is a display in a kiosk (col. 7, line 61 thru col. 8, line 4).

It would have been obvious to provide the user interface in a display at a kiosk so that once the person enters the theme park, they can go to the information kiosk and make the reservations immediately upon arrival at the park.

***Response to Arguments***

Applicant's arguments filed June 3, 2005 have been fully considered but they are not persuasive.

The applicant argues that Waytena does not disclose receivers that are adapted to passively receive signals and upload signals by passing through a magnetic field. The Examiner has provided a secondary reference, Laval which discloses issuing a pass entitling the customer to access an attraction in a future time and the customer uses the pass to access the establishment, wherein the pass is a magnetic strip encoded or a smart card which is read by the second validator's card reader. (see col. 2, line 55 thru col. 8, line 2; col. 8, lines 22-28; col. 9, lines 11-16).

The applicant provides arguments as to a cited publication which was cited at the end of the Office Action under the section of prior art made of record but not relied upon. Any argument as to this reference is moot since the Examiner did not use the reference in rejecting the claim language.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

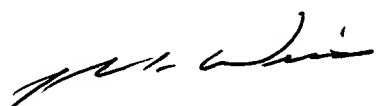


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janice A. Mooneyham whose telephone number is (571) 272-6805. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



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